

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD O. SALAVE'A,
Plaintiff,

v.

WASHINGTON CORRECTION CENTER
RELIGIOUS PROGRAM,
Defendant.

Case No. C05-5704FDB
ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings, plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On October 24, 2005, the Clerk received plaintiff's complaint. (Dkt. #1). On October 31, 2005, the clerk sent a letter to plaintiff, informing him that he must either pay the \$250.00 court filing fee or a proper application to proceed *in forma pauperis* and a copy of his prison trust account statement showing transactions for the past six months. (Dkt. #2). Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified

1 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
2 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
3 obtained from the appropriate official of each prison at which the prisoner is or was
4 confined.

5 Plaintiff thus is required to submit a statement showing the balance and activity of his account for the six-
6 month period immediately preceding the filing of his complaint. On November 8, 2005, plaintiff did file an
7 *in forma pauperis* application. (Dkt. #3). However, he did not submit a copy of his prison trust account
8 statement with that application.

9 Accordingly, this Court orders the following:

- 10 (1) Plaintiff shall seek to cure this deficiency by filing **no later than January 5, 2005**, a copy
11 of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing the
12 balance and activity of his account for the six-month period immediately preceding the filing
13 of his complaint.

14 **Failure to cure this deficiency as indicated herein by the above date shall be deemed a**
15 **failure to properly prosecute this matter and the Court will recommend dismissal of**
16 **this matter.**

- 17 (2) The Clerk is directed to send a copy of this Order to plaintiff.

18 DATED this 5th day of December, 2005.

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20 Karen L. Strombom
21 United States Magistrate Judge
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